

Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Incident which activates duty of candour procedure

3, 4

Incident which does not activate duty of candour procedure

11, 12

Duty of candour procedure: consulting relevant person

17

Duty of candour procedure: interpretation

6, 7, 8, 5, 9, 10

Offences by care workers and care providers: abuse

18, 21, 22, 23, 25

Offences by care workers and care providers: penalties and sanctions

19, 20, 24, 26

Provision of communication equipment

1

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Amendments in debating order

Incident which activates duty of candour procedure

Maureen Watt

- 3 In section 21, page 15, line 26, leave out <medical practitioner> and insert <health professional>

Maureen Watt

- 4 In section 21, page 15, line 30, after <paragraph> insert <(b) or>

Incident which does not activate duty of candour procedure

Rhoda Grant

- 11 After section 21, insert—

<Incident which does not activate duty of candour procedure

- (1) Subsection (2) applies to a person if an unintended or unexpected incident occurred in the provision of a health service, a care service or a social work service to the person and in the reasonable opinion of a registered health professional that incident—
- (a) affected the person’s care, but
 - (b) did not result in or could not have resulted in an outcome mentioned in section 21(4).
- (2) A responsible person must—
- (a) notify the relevant person,
 - (b) provide an account of the incident,
 - (c) provide information about further steps taken,
 - (d) provide any other information the responsible person considers relevant to the incident.>

Rhoda Grant

- 12 In section 22, page 16, line 13, after <In> insert <section (*Incident which does not activate duty of candour procedure*) and>

Duty of candour procedure: consulting relevant person

Malcolm Chisholm

- 17 In section 22, page 15, line 34, at end insert—

- <() Before taking any such actions, the responsible person must ask the relevant person whether the relevant person wishes the duty of candour procedure to apply to that person.
- () If the relevant person does not wish the duty of candour procedure to apply—

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- (a) a written record is to be kept of the communications with that person by which that person's wishes have been ascertained, and
- (b) the duty of candour procedure does not apply to that person.>

Duty of candour procedure: interpretation

Maureen Watt

- 6 In section 25, page 18, line 8, at end insert—

<“provide” in relation to a health service, a care service and a social work service means to carry on or manage such a service,>

Maureen Watt

- 7 In section 25, page 18, line 19, at end insert—

<() a person (other than an individual) who provides a care service,
() an individual who provides a care service and who employs, or has otherwise made arrangements with, other persons to assist with the provision of that service (unless the assistance in providing that service is merely incidental to the carrying out of other activities),>

Maureen Watt

- 8 In section 25, page 18, line 20, leave out from <any> to <or> and insert <a person (other than an individual) who provides>

Maureen Watt

- 5 In section 25, page 18, line 22, leave out <Sector> and insert <Services>

Maureen Watt

- 9 In section 25, page 18, line 23, at end insert—

<(2) The Scottish Ministers may by regulations modify the definition of “responsible person” in subsection (1).>

Maureen Watt

- 10 In section 32, page 22, line 30, at end insert—

<() under section 25(2),>

Offences by care workers and care providers: abuse

Mary Scanlon

- 18 In section 26, page 18, line 30, at beginning insert <abuses,>

Mary Scanlon

- 21 In section 27, page 19, line 2, after <arrangements> insert <abuses,>

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Mary Scanlon

- 22 In section 27, page 19, line 5, after <is> insert <abused,>

Mary Scanlon

- 23 In section 27, page 19, line 6, after third <the> insert <abuse,>

Mary Scanlon

- 25 In section 29, page 20, line 37, after <the> insert <abuse,>

Offences by care workers and care providers: penalties and sanctions

Mary Scanlon

- 19 In section 26, page 18, leave out lines 32 and 33

Mary Scanlon

- 20 In section 26, page 18, line 35, at end insert—

<(3) The Scottish Ministers must by regulations make provision to ensure that an individual convicted of an offence under subsection (1) is prevented from having the care of another individual by virtue of being a care worker.>

Mary Scanlon

- 24 In section 27, page 19, leave out line 23

Mary Scanlon

- 26 In section 32, page 22, line 30, at end insert—

<() under section 26(3),>

Provision of communication equipment

Maureen Watt

- 1 After section 31, insert—

<PART

PROVISION OF COMMUNICATION EQUIPMENT

Duty to provide or secure communication equipment

After section 46 of the National Health Service (Scotland) Act 1978, insert—

“46A Provision of communication equipment

The Scottish Ministers must, to such extent as they consider necessary to meet all reasonable requirements, provide or secure the provision of—

- (a) communication equipment, and
- (b) support in using that equipment,

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to any person who has lost their voice or has difficulty speaking.”>

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